

SECOND REGULAR SESSION

SENATE BILL NO. 720

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KEHOE.

Read 1st time January 30, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5230S.011

AN ACT

To repeal section 545.473, RSMo, and to enact in lieu thereof one new section relating to the procedure for change of venue in counties with average yearly inmate populations in excess of one thousand inmates.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 545.473, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 545.473, to read as follows:

545.473. 1. Notwithstanding Missouri supreme court rule 32.03, a
2 defendant with a case filed in a county with department of corrections centers
3 with a total average yearly offender population in excess of [two] **one** thousand
4 persons shall follow the procedure listed in subsections 2 to 5 of this section in
5 order to obtain a change of venue for misdemeanors or felonies.

6 2. Upon written application of the defendant, a change of venue may be
7 ordered in any criminal proceeding for the following reasons:

8 (1) That the inhabitants of the county are prejudiced against the
9 defendant; or

10 (2) That the state has an undue influence over the inhabitants of the
11 county.

12 3. In felony cases, the application must be filed not later than thirty days
13 after arraignment. In misdemeanor cases, the application must be filed not later
14 than ten days before the date set for trial.

15 4. A copy of the application and a notice of the time when it will be
16 presented to the court shall be served on all parties.

17 5. The application shall set forth the reason or reasons for change of
18 venue. It need not be verified and shall be signed by the defendant or his

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 attorney.

20 6. The state may, within five days after the filing of the application for a
21 change of venue, file a denial of the existence of the reason or reasons alleged in
22 the application. Such denial need not be verified. If a denial is filed, the court
23 shall hear evidence and determine the issues. If the issues are determined in
24 favor of the defendant, or if the truth of the grounds alleged is within the
25 knowledge of the court, or if no denial is filed, a change of venue shall be ordered
26 to some other county convenient to the parties and where the reason or reasons
27 do not exist.

Unofficial ✓

Bill

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